

**ONTARIO COURT (GENERAL DIVISION)**

**B E T W E E N:**

**CATHERINE L.E. ROSS**

**Petitioner  
(Wife)**

**- and -**

**WILLIAM THOMAS ROSS**

**Respondent  
(Husband)**

**SUPPLEMENTARY AFFIDAVIT OF WILLIAM THOMAS ROSS**

I, WILLIAM THOMAS ROSS, of the Township of West Carleton in the Regional Municipality of Ottawa-Carleton MAKE OATH AND SAY as follows:

1. I am the Respondent in the within action, and as such have knowledge of the matters hereinafter deposed.
2. In addition to the statements made in my previous affidavit, sworn June 20, 1994, I wish to add the following, both as a supplement to that affidavit and in response to further material filed by my wife.

**INTERIM SUPPORT**

3. Prior to the first return of this motion in June 1994, I had hoped that we would be able to settle all outstanding issues by agreement. Unfortunately, given my wife's inability to face up to the consequences of her actions, as well as the unrealistic demands she was making, that was not possible. Just prior to our appearance at court, my wife served me with supplementary motion materials containing the first letter from Dr. Selwyn Smith. Given the fact that I did not have an opportunity to respond to that material, and my concern that Dr.

Smith's letter would unduly weigh in my wife's favour, I strongly urged that the matter be adjourned and a full psychological assessment be conducted. I believed that such an assessment would be done within two months from that time, and so I reluctantly agreed to provide some short term support to the Petitioner.

4. I agreed to continue to pay the expenses with regard to the matrimonial home, including mortgage, taxes, and utilities. The only reason the tax payment was late was because my wife changed the address, and I did not receive the bill in a timely manner. These were the expenses I was responsible for during our marriage, and my wife was supposed to pay for the children's expenses as well as for her own personal needs. The Petitioner insisted that she also required additional cash from me, and although I did not believe that she would use the money I gave her for the benefit of the children, I reluctantly acceded to her demand so that we could proceed to the assessment without an interim custody Order.

5. The Consent Order was agreed to on an entirely "without prejudice" basis, and it was my belief that it would be in place for no more than two months. The reason it was not taken out and entered immediately was because given what we expected to be the short length of time it would be in place, it seemed that there was no point in having it go through the Family Support Plan Enforcement Office. Unfortunately, we were unable to begin the assessment immediately as a number of assessors were unavailable, and others were not prepared to do the assessment at the Legal Aid rate for the Petitioner's share.

6. Over the next few months I became increasingly desperate with regard to the financial situation. Not only was I continuing to pay the expenses related to the matrimonial home, I also had my own living expenses of approximately \$1,000 per month, and my legal

costs were rapidly mounting, unlike those of the Petitioner who is on Legal Aid. I also of course had to pay for my share of the family assessment in the amount of \$2,625 as I was not covered by the Legal Aid Plan. In addition, during the times I spent at the matrimonial home caring for the children, I observed that the Petitioner was no longer purchasing the quality or quantity of food which she had previously, and I believed that the money I was providing to her was being spent both to service her debtload and to purchase alcohol.

7. I am advised by my lawyer, and believe it to be true, that she contacted the lawyer representing my wife, and asked if they would meet to discuss the financial arrangements as the assessment was taking much longer than we had initially expected. My wife did not agree to the meeting, and consequently I advised that I simply could not continue to pay the \$700 per month, and ceased to do so in September. My wife was not without funds during that time; all the household costs were paid by me, and she had her salary to use as she saw fit. This was the same arrangement as was in place when we lived together. In addition, she received approximately \$1,500 as a refund from Revenue Canada, and the puppies which were born just after our separation could have been sold according to my wife for between \$2,400-\$4,800. My wife now states that she in fact gave the puppies away, and I have no way of knowing if this is true. However, in the "chronicle" of my activities which is filed as an exhibit to my wife's most recent affidavit, she states that she sold pups on July 10 and July 16. My wife also has always earned extra income from tarot card reading, and I am unaware of how much income was generated from that source since our separation.

#### FAMILY COURT CLINIC ASSESSMENT

8. The Family Court Clinic Assessment was completed, and the report released on November 17, 1994. A copy of that report is attached hereto and marked as Exhibit "A" to this my affidavit. The recommendation of Dr. MacLean is that the children have their primary residence with me. He based that recommendation on a very thorough investigation of both Catherine and I, as well as the children. In addition, Dr. MacLean reviewed the children's school records, counselling records from our marriage counsellor, and psychological information provided by Dr. DeCorte. Dr. MacLean also supports what I have been stating since the beginning of this dispute: my wife is an alcoholic. The fact that she refuses to admit her addiction of course makes it impossible for her to deal with this problem, and consequently, I do not feel that she is in a position to provide proper parenting for our children. Our daughters are both exhibiting serious behaviour disorders. There is no question that to a certain extent their negative acting out behaviour has been exacerbated by the separation, however, these behaviours (particularly in our older daughter) were apparent long before the separation. I am also aware that my wife has obtained statements from numerous people supporting her position, however, I do not believe that they can take the place of the professional assessment which was carried out at the Family Court Clinic. The fact that a number of people state that they have not seen my wife intoxicated may be true. She did most of her drinking at home in the evenings, or in the company of the few friends we had left. Many of the people who have given statements in support of my wife had not seen her for a very long time, or only sporadically over the last number of years. Even some of those giving statements confirm my wife's drinking. The fact that since this assessment started and my wife became concerned about the possibility of not obtaining custody of the children, she has contacted these people and presented

herself in a very positive way to them, does not, I think, indicate any real insight on the part of those people. Although my wife has stated that she has stopped drinking, when my nephew, Gary Browne, recently attended at the house in order to pick up a Camcorder, he found my wife intoxicated, which leads me to believe that she has not stopped drinking as she has advised so many people. My nephew has sworn an affidavit which has been filed in this matter.

9. The one person who has been regularly involved with our family over the last number of years is Dianna Dryden. She has sworn an affidavit containing her observations, and it has been filed in these proceedings. I have stated many, many times that I do not wish to hurt my wife in any way. She has many good qualities, and in fact there is no question that she loves the children. However, her own personal difficulties have made it impossible for her to properly parent the girls, and that was blatantly obvious to the assessors in observing her interaction with them, and how little effect she had in attempting to deal with them.

#### **MATRIMONIAL HOME AND CONTENTS**

10. Insofar as the state of the matrimonial home is concerned, I categorically deny that I have ever left it in the condition that the Petitioner alleges. The fact that she has taken pictures of the house does not prove anything other than the fact that it was in a mess. I, in fact, was very concerned about the condition of the home, particularly with regard to the puppies. I had asked my wife on many occasions to allow me to put a pen in the backyard for the puppies, in order to get them out of the house. She would not agree to that, and in fact, would not even agree to enclosing them in the laundry room, but instead kept them in the kitchen where they defecated on the floor; the cats then walked in the faeces and tracked it all through the rest of the house. I was so concerned that on July 5, 1994, I had my lawyer fax a

letter to my wife's lawyer asking her to deal with this situation. A copy of that letter is attached hereto and marked as Exhibit "B".

11. Insofar as the items in the house are concerned, I admit that I removed certain items as I obviously had to establish separate living arrangements for the duration of the assessment. I also removed some items in order to protect those assets, as it was only after seeing my wife's Financial Statement that I became aware that she had given various chattels to her mother in repayment for an alleged debt. Given my wife's total financial irresponsibility throughout the course of the marriage, which irresponsibility contributed in large part to the breakdown of our relationship, I felt that the only way to protect our rapidly dwindling assets was to remove them from my wife's control. I am fully prepared to deal with the contents on the basis that they be divided pursuant to the *Family Law Act*, and will provide a list of everything presently in my possession in order to negotiate a settlement of that issue.

#### **PROPOSAL FOR CARE OF THE CHILDREN**

12. Given our daughters' behaviour problems, I realize that they are in need of counselling and/or a behaviour modification programme designed by a professional. I have already made an appointment with Dr. DeCorte to follow up on Dr. MacLean's suggestions, and am fully prepared to participate in and adhere to any plan that is recommended either by Dr. DeCorte, the school psychologist, or any other professional it may be necessary to consult.

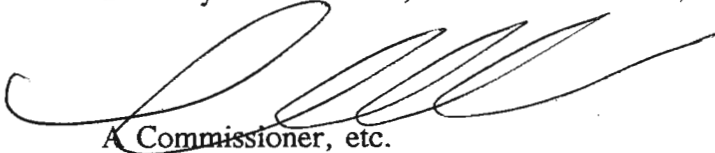
13. Since Khierstyn's behaviour problems became apparent approximately three years ago, I have been reading books on parenting, and am determined to do everything within my power to provide a happy, stable home life for the children. I propose that they continue to reside in the matrimonial home with me, and have regular access with their mother. They

would continue at the same school, with the same caregiver, and in their regular activities. I would encourage them to visit with their mother's extended family, and would certainly make every effort to foster their relationship with their mother. I also have six weeks annual vacation which I am prepared to spend with the children either in activities which they enjoy, such as camping, or simply spending time at home with me. I have already had the assurance of my employer that my hours of work can be flexible enough to accommodate any appointments the children may have, and I am certainly prepared to forego any overtime which cannot be done while the children are with their mother or at home after the children's bedtime.

14. While I realize that I may not have been a perfect parent in the past, I very much want what is best for my children, and believe that as the custodial parent I would be able to provide them with the structure and stability they need in order to foster healthy growth. I have acknowledged my shortcomings as a parent, and am making every effort to improve. My wife, however, refuses to acknowledge any problem in herself or with her parenting, and continues to attempt to buy the children's love while completely ignoring the concerns and recommendations contained in the Family Court Clinic Assessment.

15. I make this affidavit in support of the motion for the relief set out in the Notice of Cross-motion and for no other or improper purpose.

SWORN before me, at the City )  
of Ottawa in the Regional )  
Municipality of Ottawa-Carleton this )  
24th day of November, 1994 )



A Commissioner, etc.

  
WILLIAM THOMAS ROSS